

State Rests Its Case in Brunen Trial, Confident

Death Penalty To Be Asked, the Prosecution Declares; Defense of Woman and Mohr to Begin Monday

Free Her Now, Is Plea

Counsel for Slain Circus Owner's Wife to Seek Dismissal of the Indictment

From a Staff Correspondent.
MOUNT HOLLY, N. J., Dec. 15.—A heavy guard surrounded the sullen, pugilistic figure of Harry C. Mohr as the state rested its case this afternoon and he and Mrs. Doris Brunen, on trial for the murder of John Brunen, left the courtroom with the ominous comment of Prosecutor Jonathan Kelsey following their dragging steps.

"Without bitterness but with the firm conviction that these defendants are guilty of one of the most brutal and cowardly murders in the criminal history of the State of New Jersey, I intend to ask the death penalty for both," said the prosecutor after his case was closed.

In the course of five days more than fifty witnesses have contributed testimony and helped to build up what the prosecution believes is an unshakable case. The last witness called was Ellis Parker, who laid the foundation for the trial in bringing about the arrests of Powell, Mohr and Mrs. Brunen as the murderers of the circus owner. To-day this Burlington County detective with a record of ninety-nine convictions out of ninety-nine trials, gave the finishing touches to the testimony and the state's case rested in a tense, expectant atmosphere.

Warned Against Mohr's Outbursts
By a series of outbursts and potential signs of violence in several of the figures involved in this circus tragedy the courtroom has come in the last five days to have some of the atmosphere of a theater where barefaced melodrama is in progress, and thrills are a daily expectation. The sinister reputation of Harry Mohr, the sudden popping of his face, his violent outbursts as the testimony has gone against him, have prepared spectators for any kind of shock. A postcard addressed to the courthouse and mailed in West Philadelphia came to-day.

Watched Harry Mohr. Have him handcuffed. He is the most dangerous criminal in the East."
While the state was closing with testimony damaging to the defense four figures sat among the spectators with love or fear, guilt or hope stamped severely on their souls. There was Charles M. Powell, self-confessed slayer of Brunen, who will soon have to face trial himself. On one side of him sat his wife, clinging trustfully to his arm. On the other side was Hazel Brunen, placidly rubbing shoulders with her father's self-confessed slayer. Within arm's length of the three sat Mrs. Beattie Mohr. Hazel sat unconsciously of the irony of her surroundings. Her full lips were pursed in a sneer, her expression was contemptuous.

Mohr Curses Slain Man's Daughter
As Harry Mohr passed by, securely handcuffed, he gave his guard a sudden thrust to one side and flung a willful glare into Hazel's face. The deputy sheriff checked the string of oaths with a hand over the prisoner's mouth.

The seventeen-year-old parted her lips in the merest shadow of a smile, patted her hair complacently and watched with intent eyes until Harry was out of sight, on his way to his cell, there to await the opening of the defense next week. His figure was charged with menace. Mrs. Brunen looked worn and haggard. Heavy pouches have formed under her eyes since Hazel took the stand and accused her of murdering Brunen.

Court was adjourned by Supreme Court Justice Samuel Kalisch until Monday. The jury will view the scene of the crime at Riverside to-morrow morning. They asked that they might be permitted to go to the "movies," to visit church and to have their wives visit them on Sunday. Judge Kalisch acceded to their desire to go to the "movies" and church, with an adequate guard, but refused to let them see their wives. They are also to be taken out separately and for walks.

Defendant on Stand Monday
Mohr will take the stand first thing on Monday morning. Walter S. Keen, counsel for the defense, intimated as the state rested to-day, that he would ask for a dismissal of the indictment against Mrs. Brunen on the ground that there is not a scintilla of evidence against her in support of the charge that she aided and abetted in the crime. If this is refused, she will take the stand immediately after Mohr to testify on her own behalf. Mr. Keen expects to carry the defense

Fiaschetti Lost Rank for Abuse, Asserts Lawyer

Lorenzo Carolino Explains Reduction of Italian Detective Squad Head as Upshot of Charges He Made

May Be Tried on Return

Attorney Specifies Methods in Ivarone Kidnaping Case as Cause of Downfall

An explanation of the reduction of Michael Fiaschetti, first grade detective and head of the Italian squad, to the rank of patrolman, which puzzled many and angered some when Commissioner Enright announced it last August, was given last night by Lorenzo Carolino, an attorney, of 190 Bowers.

Carolino said that the reason Fiaschetti was put back in uniform was that he had browbeaten and abused prisoners in his office at Headquarters, had broken a pledge given to Carolino and had punched him and thrown him out of his office when he tried to protect a client, a woman, from Fiaschetti's methods. The attorney said he had made formal complaint against the detective, and had been informed that charges had been drawn up against him and that he would be placed on trial at Headquarters on his return from Europe.

It was August 25 that Fiaschetti was reduced to the ranks and it was said at Headquarters last night that although he was assigned immediately to the Herbert Street police station, in Brooklyn, to perform patrol duty, he has not yet put in a day in uniform. Immediately after his transfer, which involved a reduction in pay from \$3,300 to \$2,280 a year, Fiaschetti applied for eleven days' vacation due him. Since then, it is said, he has continuously been on plain clothes duty in ten-day assignments made by the District Attorney. He is now in Italy at the request of the Italian authorities, as witness against a man charged with murder.

Ivarone Case "Big" for Fiaschetti
According to Carolino, the Ivarone kidnaping case, which Fiaschetti charged in him as "a big thing for me" with the Mayor and the Commissioner, was the cause of his downfall.

Maria Ivarone, wife of Salvatore Ivarone, a grocer, of 54 Oak Street, disappeared last June with her nine-year-old son Tony and about \$50,000 in currency and jewels. The boy was found by his father in Grand Central Terminal about two weeks later, in accordance with a promise made in a letter Ivarone received, and the proceeds were said to have paid \$200 for his son's recovery.

Vincenzo Damiani and two other men were arrested August 4, accused of kidnaping the boy. Carolino was attorney for Damiani. He said last night that his client was beaten in Fiaschetti's office to compel him to make a statement to the police and that Dr. Perry Lichtstein, who examined him for Damiani, found him suffering from a rupture as the result of a kick in the stomach. He described twenty-two other injuries which he said were the result of violent handling.

The day after the arrest of the three men, Mrs. Ivarone retained Carolino as her attorney. Carolino went to see Fiaschetti and told him that she was in touch with the woman. It was then, he said, that Fiaschetti told him that this case might mean much to him with the Mayor and the Police Com-

Prison Opens Cafeteria For Uninvited Guests

Warden Lewis E. Lawes will open a lunch-room at Sing Sing prison to-day for the benefit of visitors to the prison who are unable or unwilling to take the time to go a half mile to a hotel for their meals. It is believed that the installation of the lunch counter, run on a cash basis, will reduce greatly the number of uninvited guests at the warden's table.

The charges for food will be 10 per cent above cost.

missioner and said he must have a talk with Mrs. Ivarone at once. Carolino said he told Fiaschetti it might be arranged, but he must be assured that his client would not be arrested as, if she was wanted, he preferred to choose a time for surrendering her when bail might be furnished immediately. Fiaschetti assured him, Carolino said, that he had no intention of arresting Mrs. Ivarone and gave his word that he would not.

Accused of Using Threats
Carolino and his client went to Headquarters August 5. They were talking with Detective James Gagan, head of the bomb squad and Fiaschetti's nominal superior, he said, when Fiaschetti insisted and marched the woman into his office, saying this was his case. Carolino was not admitted, he said, but was able to hear Fiaschetti using threats to compel her to say that one of the men under arrest had accepted \$200.

He got into the office, he said, when Fiaschetti opened the door to call in a detective. There he was informed that his client was under arrest, that a bench warrant had been issued for her June 23. He protested, he said, taxed Fiaschetti with deceiving him, and warned him that if the woman was arrested on a bench warrant she was in the custody of the court and should be arraigned immediately or lodged in the Tombs.

Says Fiaschetti Punched Him
Fiaschetti's response, he says, was to punch him in the chest, seize him by the collar (Carolino is about five feet four inches tall), drag him to the door and throw him out. Carolino says he went upstairs and protested to Inspector John D. Coughlin, head of the detective bureau.

Inspector Coughlin summoned Fiaschetti, the attorney said, who apologized and said he had lost his head. Remarks which Fiaschetti made after leaving the inspector's office took all the balm out of the apology, Carolino said. The attorney has a copy of a three-page letter, which he says he sent to Commissioner Enright, complaining of Fiaschetti's conduct, and says he has been notified of the drawing up of charges against the former detective.

Fiaschetti was made head of the Italian squad soon after Commissioner Enright took office. His most notable case was the kidnaping of the Varotta boy, for which he arrested several men who have been convicted. Carolino said that the cases of those arrested in connection with the alleged kidnaping of Ivarone's son were still pending. He said that pressure was being brought to bear to compel him to drop the charges he had made against Fiaschetti.

Polish Jews Win Inquiry
WARSAW, Dec. 15 (Jewish Telegraph Agency).—The lower chamber of Parliament, notwithstanding opposition by the Nationalists, has adopted a motion introduced in both houses by Jewish representatives demanding a thorough investigation of the rioting throughout Poland since the election of President Narutowicz.

Kardos & Burke Books' Audit To Be Investigated

Referee Names Special Committee After Trustee in Bankruptcy Challenges Creditors' Accountant

A special committee to look into the auditing of the books of Kardos & Burke, the bankrupt stock brokerage firm consisting of John Burke, formerly Treasurer of the United States, and Louis Montgomery Kardos Jr., was appointed yesterday by Referee Peter H. Olney Jr. The action followed a sharp cross-examination of Charles Lobell, creditors' accountant, by Robert P. Stephenson, trustee, who said Lobell's preliminary report on the books was "false and misleading."

The committee consists of David W. Kahn, counsel for the trustee and formerly counsel for the petitioning creditors; Jacob L. Holzman for the Progress National Bank, of which Burke formerly was president and Kardos a director; L. Burton Case, representing Chicago creditors; Joseph M. Baum, Erwin Bruce Hallett and Samuel Leavitt. They will determine whether Lobell is to be retained or another accountant hired.

Two Examinations Already Made
The books of Kardos & Burke have been given two incomplete examinations, one by former employees and the second by Lobell, whose preliminary report contained the Max Goodney item of an apparent debit balance of \$584,009, concerning which Kardos said he knew nothing and which Goodney denied owing anything.

The hearing room was filled with creditors and their counsel awaiting further examination of Kardos when Mr. Stephenson said he would examine Lobell as to his report on the books. He began by asking about Lobell's standing as an accountant, and as to who constituted Charles Lobell & Co. Lobell said he had a partner named Wallace, whose first name he recalled as William. He said he was chartered in San Francisco and had passed an oral examination in New York.

Lobell said he did not finish his preliminary report until fifteen minutes before the hearing last Friday, at which it was submitted. He did not remember whether he had told any one he intended to ask for \$1,000 additional to continue the examination of the books.

Referee Warns of Contempt
"But you did ask for the \$1,000," Mr. Stephenson asked.

"Why don't you examine the bankrupts as you examine me?" the witness demanded, which brought a warning of contempt of court from the referee.

Asked whether the books did not show a credit of \$44,000 to W. H. Evans, of Amsted, Va., instead of a debit of \$24,012, Lobell said the item was as supplied him by the clerk, but that the \$44,000 credit was correct. He had not had time to make a detailed checking of the items, he said. As to the account of Dr. J. D. Golden, of 944 Lexington Avenue, Mr. Stephenson asked whether instead of being a

debtor for \$24,012, Lobell said the item was as supplied him by the clerk, but that the \$44,000 credit was correct. He had not had time to make a detailed checking of the items, he said. As to the account of Dr. J. D. Golden, of 944 Lexington Avenue, Mr. Stephenson asked whether instead of being a

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One of our men gave me these figures," the witness said, adding that they did not include Goodney's stock account. There were many interlocking accounts, he said, and it was difficult to untangle them. The special committee will meet at 4:00 o'clock Monday afternoon.

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You will read in THE LITERARY DIGEST this week, December 16th, how the reduction in government expenses has been effected, what activities have been curtailed, and what the probable effects upon the tax-payer may be. Other instructive news-articles in this week's issue of THE DIGEST are:

Misgivings As to Progressive Bloc's Intentions
Uncle Sam's Prosecutor Prosecuted Christians Ordered Out of Turkey
Hidden German Arms
Japan's Exit From Siberia
Holiday Food
Why Do Radio Waves Hug the Earth?
The Degradation of Christmas
The "Esprit" of France's "Old Tiger"
What the Breweries and Distilleries Are Doing
Why Navies Do Not Melt Away

"Wet" and "Dry" Gains and Losses
When Greek Kills Greek
Britain's Mesopotamian Burden and Oil
Up Mont Blanc Way by Cableway
More Daylight for Less Money
How, Why, and Where to Pick a College
Mixing Religion and Politics
Winter Travel and Playgrounds—Descriptions of the Leading Resorts
The Spice of Life
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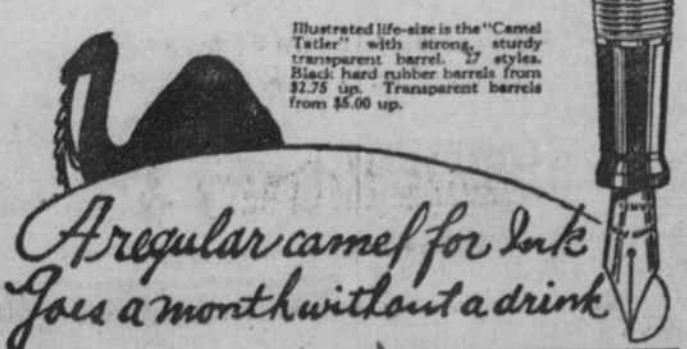
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